IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.862 of 2007
HARENDRA YADAV
Versus
STATE OF BIHAR
---

3. 17.9.2008. This application has been filed against the order dated 4.6.2007 passed by Sessions Judge, West Champaran, Bettiah in Cr. Appeal No.1 of 2007 thereby the petition filed by the petitioner under section 389 of Cr.P.C. for stay of conviction has been rejected.

Heard the learned counsel for the petitioner.

It is submitted by the learned counsel for the petitioner that there is no material on the record to show that the petitioner had committed any offence. The court below has wrongly convicted and sentenced the appellant. It is further submitted that the petitioner is elected representative. If the conviction is not stayed, he will be debarred from the post of Member Panchayat and he will be debarred in future also from contesting any election.

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Considered the submission of the learned counsel for the petitioner. Perused the impugned order. It appears from the impugned order as well as the records that this petitioner being an elected representative committed offence punishable under sections 25, 26 and 35 of the Arms Act. He has been convicted and sentenced to undergo S.I. for two years.

Having regard to the nature of the accusation as well as facts and circumstances, I am not inclined to interfere in the impugned order/stay of conviction.

Accordingly, this application is rejected. However, the

learned Sessions Judge is directed to expedite the hearing of the appeal and dispose of the same within three months of receipt of this order.

(Ghanshyam Prasad)

N.H./

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